

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT L. NEWMAN,

Plaintiff

Civil Action No. 16-14116

v.

HON. R. STEVEN WHALEN
U.S. Magistrate Judge

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Plaintiff Robert L. Newman (“Plaintiff”) brings this action under 42 U.S.C. §405(g), challenging a final decision of Defendant Commissioner (“Defendant”) denying his application for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under the Social Security Act.

For the reasons stated on the record on March 15, 2018, Defendant’s Motion for Summary Judgment [Docket #20] is DENIED and Plaintiff’s Motion for Summary Judgment¹ [Docket #16] is GRANTED to the extent that the case shall be remanded to the administrative level for reconsideration of Plaintiff’s application for benefits, under the fourth sentence of 42 U.S.C. § 405(g). On remand, the ALJ will reconsider the weight (or lack thereof) given to the opinion of Dr. Naylor, Plaintiff’s treating physician. The RFC, which provides for “occasional” reaching, pulling, or pushing with the right arm, appears inconsistent with not only Dr. Naylor’s opinion, but with the lack of subsequent treating

¹Plaintiff’s “Motion to Remand” is construed as a motion for summary judgement. *Docket #16*.

records supporting the theory that Plaintiff could engage in those activities with his dominant arm up to one-third of the work day.

In addition, upon remand the ALJ will order a consultative examination and assessment of Plaintiff's work-related abilities.

Judgment will therefore enter for Plaintiff and against Defendant.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: March 19, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on March 19, 2018, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen